



Linda S. Adams
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Arnold Schwarzenegger
Governor

September 28, 2010

To All Vapor Recovery Equipment Manufacturers

In reviewing the warranty language provided by manufacturers of Enhanced Vapor Recovery (EVR) systems and components, the Air Resources Board (ARB) staff has determined that end-users of the EVR systems and components may not always receive the minimum warranty coverage required by section 16.5.2 of Certification Procedure 201 (CP -201), Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities. Section 16.5.2 of CP-201 provides the end-users with a minimum warranty period of at least one year from the date of installation for all systems and components. In the current warranty statements, manufacturers have added language extending the warranty coverage to some number of months from a stated event, e.g., "one year from the date of installation or X months from date of shipment, invoice, or manufacture, whichever is first." Because of this additional language, the end-user may not receive the full "one-year from date of installation" required by CP-201.

For example, if the manufacturer's warranty statement says "or 15 months from date of shipment" and the end-user does not purchase the system/component until 5 months after the date of shipment, in effect the end-user will only get 10 months of warranty, or less if the end-user does not install the system/component immediately upon purchase¹.

As mentioned above, the CP-201 regulatory requirement is "one year from date of installation." The additional warranty statements (underlined above) can result in non-compliance with this requirement. ARB staff is therefore requiring that manufacturers revise their warranty statements to be consistent with the CP-201 regulatory requirements. ARB staff plans to update the warranty language in the next revisions of the Executive Orders.

We realize that there may be situations in which the "date of installation" cannot be determined. If this is the case, then the one-year warranty may be conditioned on the purchase date by the end-user (e.g. gas station owner or operator). The warranty statement would thus read:

¹ The end-user may purchase and stock several nozzles, hoses, or breakaways to have replacement components available due to drive-offs or customer abuse.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Printed on Recycled Paper

All Vapor Recovery Equipment Manufacturers
September 28, 2010
Page 2

"Manufacturer warrants the product for one (1) year from the date of installation. If the date of installation can not be determined, the manufacturer's warranty will be, at a minimum, one (1) year from date of purchase by the end-user."

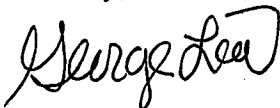
The warranty language will need to describe end-user responsibility for demonstrating the installation date or purchase date of the warranted vapor recovery system/components. ARB staff will not accept return of a warranty card as a condition of warranty. End-users should be allowed to demonstrate installation date and demonstrate purchase date with an invoice, or other acceptable proof.

You will need to revise your warranty language and submit to ARB for review and approval. Please submit your revised warranty language by October 15, 2010, to my attention so that we may have sufficient time to review and approve for inclusion in the next revised Executive Orders. We realize this is short notice, but the warranty provision is a very important aspect of vapor recovery and it requires your attention to help protect the end-user.

Legal warranty questions should be addressed to Ms. Claudia Nagy at (916) 445-5507 or via email at cnagy@arb.ca.gov. Technical questions should be addressed to Mr. Pat Bennett at (916) 322-8959 or via email at pbennett@arb.ca.gov.

Thank you in advance for your expeditious response to this warranty matter.

Sincerely,



George Lew, Chief
Engineering and Certification Branch
Monitoring and Laboratory Division

cc: See next page.

All Vapor Recovery Equipment Manufacturers
September 28, 2010
Page 3

cc: John Marvin
Bay Area Air Quality Management District

Kevin Tokunaga
Glenn County Air Pollution Control District

Randy Smith
San Diego County Air Pollution Control District

James Parsegian
Office of the State Fire Marshal

Matt Stevens
Department of Food and Agriculture

Joel Foss
Department of Industrial Relations

Kevin Graves
State Water Resources Control Board